



General Assembly

February Session, 2002

Raised Bill No. 535

LCO No. 2021

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING EXISTING DWELLING HOUSES ON CLASS II LAND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 25-32 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (e) The commissioner shall not grant a permit for the sale, lease,
5 assignment or change in use of any land in class II unless (1) (A) the
6 land in class II is being sold, leased or assigned as part of a larger
7 parcel of land also containing land in class III and use restrictions
8 applicable to the land in class II will prevent the land in class II from
9 being developed, [(2)] or (B) the applicant demonstrates that the
10 proposed sale, lease, assignment or change in use will not have a
11 significant adverse impact upon the purity and adequacy of the public
12 drinking water supply and that any use restrictions which the
13 commissioner requires as a condition of granting a permit can be
14 enforced against subsequent owners, lessees and assignees, [(3)] (2) the
15 commissioner determines, after giving effect to any use restrictions
16 which may be required as a condition of granting the permit, that such

17 proposed sale, lease, assignment or change in use will not have a
 18 significant adverse effect on the public drinking water supply, whether
 19 or not similar permits have been granted, and [(4)] (3) (A) on or after
 20 January 1, 2003, as a condition to the sale, lease or assignment of any
 21 class II lands that have not been developed or where there is no
 22 existing structure, a permanent conservation easement on the land is
 23 entered into to preserve the land in perpetuity predominantly in its
 24 natural scenic and open condition for the protection of natural
 25 resources and public water supplies while allowing for recreation
 26 consistent with such protection and improvements necessary for the
 27 protection or provision of safe and adequate potable water, except in
 28 cases where the class II land is deemed necessary to provide access or
 29 egress to a parcel of class III land, as defined in section 25-37c, that is
 30 approved for sale, or (B) where there is an existing structure, a
 31 restrictive covenant is placed on the property that would limit the
 32 expansion of said structure and restrict any activity or expansion of
 33 any activity that would have a significant adverse affect on the public
 34 water supply. Preservation in perpetuity shall not include permission
 35 for the land to be developed for any commercial, residential or
 36 industrial uses, nor shall it include permission for recreational
 37 purposes requiring intense development, including, but not limited to,
 38 golf courses, driving ranges, tennis courts, ballfields, swimming pools
 39 and uses by motorized vehicles other than vehicles needed by water
 40 companies to carry out their purposes, provided trails or pathways for
 41 pedestrians, motorized wheelchairs or nonmotorized vehicles shall not
 42 be considered intense development.

This act shall take effect as follows:	
Section 1	October 1, 2002

Statement of Purpose:

To impose restrictive covenants on certain parcels of land to protect water supplies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]